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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/102,939	06/23/1998	MARTIN BICHSEL	P/1336-101	2391
2352	7590	04/19/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			OPSASNICK, MICHAEL N	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

WTH

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/102,939		BISCHEL	
	<b>Examiner</b>		<b>Art Unit</b>	
	Michael N. Opsasnick		2655	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2004 and 14 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-22,27,29-55,60 and 61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-8,10,16,33-41,49-52 and 61 is/are allowed.
- 6) ☒ Claim(s) 2,3,17-22,27,29-32,53-55 and 60 is/are rejected.
- 7) ☒ Claim(s) 11-15,42-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 4-8,10,16,33-41,49-52,61 are allowable over the prior art of record.

The recited limitations pertaining to the combination of a double normalization process of banded noise signals in the time domain is not explicitly taught by the prior art of record.

2. Claims 11-15,42-48 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 2,3,17-19,27,29-32,53,60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmusson et al (5835851) in view of Cooper (5790671).

As per claims 30,60, Rasmusson et al (5835851) teaches a method for compression of an electric audio signal (abstract) wherein:

Periodically recording samples of the ambient noise ....sampling cycle (as sampling background noise and storing, during lack of human speech -- col. 5 lines 54-61);

the amplitude of said audio signal [or of a derived digital or analog signal] is normalized to a predetermined range D (as noise is subject to a variable attenuator -- col. 5 line 63 – col. 6 line 15) );

said audio signal is mapped using a non-linear function onto a second determined range of values W in order to obtain an emphasis of sensitive value ranges (as mapping the noise back to an acceptable energy level to match the speech → col. 6 lines 15-25).

the result is stored in electronic memory form (as storing the noise estimates -- col. 5 lines 54-61)).

As per claim 2, Rasmusson et al (5835851) teaches a nonlinear function to emphasize a range of values (as mapping the noise back to an acceptable energy level to match the speech → col. 6 lines 15-25).

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As per claims 3,31, and 32 Rasmusson et al (5835851) teaches binary 3- 16 bits (as A/D converter → Fig. 2, subblock 200 → it is notoriously well known to perform oversampling to improve the SNR.)

As per claims 17,53, Rasmusson et al (5835851) teaches fixed point (fig. 3).

As per claims 18,19,27,29, Rasmusson et al (5835851) teaches memory for storage (Fig. 2, subblock 211).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20,21, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Rasmusson et al (5835851) in further view of Uehara (5754798).

As per claims 20,21, and 54, Rasmusson et al (5835851) does not explicitly teach a power save mode when processing is not needed, however, Uehara (5754798) teaches a power

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save mode in which SMRAM states are compared to determine a power save mode (col. 21, line 60 - col. 22 line 4). Therefore, it would have been obvious to one of ordinary skill in the art of portable transmission devices to modify the teachings of Rasmusson et al (5835851) with a power saving mode because it would advantageously save the power supply energy and extend the operating time of the device (Uehara (5754798), Fig. 1b, col. 1 lines 10-14).

7. Claims 22 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmusson et al (5835851) in further view of Hoffberg et al (5901246).

As per claims 22 and 55, Rasmusson et al (5835851) does not explicitly teach the exact structure/device to perform the calculations; however, Hoffberg et al (5901246) teaches a local processor located in a wristwatch (col. 80, lines 17-20), in which the device is used to broadcast information (col. 80, lines 17-20). Therefore, it would have been obvious to one of ordinary skill in the art of broadcasting signals to adapt the technique of Rasmusson et al (5835851) into a wristwatch device because it would allow for the concealment of the device (Hoffberg et al (5901246), col. 80 line 20).

### ***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Although the arguments are rendered moot, examiner notes that Rasmusson et al (5835851) teaches processing of the noise signal in the time domain (temporal blocks under the TDMA mode → col. 3 lines 60-65).

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**10. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno

4/14/05

*Vijay Chawan* 4/16/05

**VIJAY CHAWAN  
PRIMARY EXAMINER**